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\*ADMITTED IN NY & NJ

June 6, 2023

**BY ECF**

The Honorable Edgardo Ramos  
United States District Court  
Southern District of New York  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

**Re: *United States v. Markin, et al*, 22 CR 395**  
**Seth Markin - Defendant**

Your Honor:

On June 5, 2023, I filed with the Court a Motion (ECF Nos. 76-78) on behalf of Mr. Markin (1) to dismiss the Conspiracy Count in the Indictment; (2) in the alternative, requiring the Government to provide, prior to trial, a list of alleged co-conspirators; and, at trial, prior to introducing any statements pursuant to Fed.R.Evid. 801(d)(2)(E), to require the Government to produce evidence supporting a single conspiracy involving the Defendant and the declarant; and, demonstrating that the statement was made in the course of, and in furtherance of the conspiracy; (3) ordering the Government to comply with the defendant's Brady request; (4) requiring the Government to produce additional information in connection with the fingerprint examination referenced in the FBI Laboratory Report; and, (5) for other and further relief.

Thereafter, it became apparent that two of the Exhibits filed in support of the Motion failed to conform to the Southern District's ECF privacy policy and the Court's Protective Order in this case.

As a result, I contacted the Clerk's Office and arranged for a temporary sealing order on the Declaration and the exhibits. As a result, Docket #77 is currently sealed on the ECF.

After examining the exhibits filed in support of the original version of the motion, it is apparent that there are simply too many instances where redaction to the exhibits would be necessary.

Moreover, I respectfully submit that this Court will be able to rule on the various applications without reference to the content of Exhibits B and C.

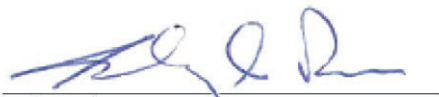
Accordingly, with the consent of the Government, I request that we be permitted to re-file the Declaration currently sealed on ECF without reference to two of the exhibits. I further request that we be permitted to re-file the Memorandum of Law (ECF #78) after deleting any reference to these two exhibits.

Most respectfully,

/s/ Maurice H. Sercarz

cc: All Parties (ECF)

Markin's application to re-file Declaration and Memorandum in Support of his Motion to Dismiss is granted. The Clerk of the Court is respectfully directed to strike doc. 77 with its exhibits and Doc. 78 from the docket but retain the summary docket text for the record. SO ORDERED.



Edgardo Ramos, U.S.D.J.

Dated: 6/8/2023

New York, New York